

1 BARRY J. PORTMAN
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4 Counsel for Defendant HASTINGS
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	
)	No. CR 06-0336 SBA
12 Plaintiff,)	
)	STIPULATION AND
13 v.)	ORDER FOR CONTINUANCE OF
)	SENTENCING DATE
14)	
15 SHAREEF HASTINGS,)	
)	
16 Defendant.)	

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the sentencing
18 date in this case, currently scheduled for Tuesday, May 8, 2007, at 10:00 a.m. before Honorable
19 Judge Sandra Brown Armstrong, may be continued two weeks to Tuesday, May 22, 2007, at 10:00
20 a.m. The reason for the request is that there are contested issues of fact contained in the Presentence
21 Report which conflict with the plea agreement and which increase the guideline range above what
22 the parties anticipated. Defense counsel has done additional investigation regarding these issues. In
23 addition, the parties have further discussed the plea agreement and Mr. Hastings' ability to ask for a
24 sentence equivalent to what the parties had anticipated but below the guideline range should the
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1 Court adopt the findings of the United States Probation Officer. Counsel was out of the office and
2 unavailable during much of the last week to resolve the matters. The parties have reached agreement
3 on these issues but Mr. Hastings still needs to file his sentencing memorandum at least one week
4 prior to sentencing to provide the Court with sufficient time to review the memorandum and
5 consider the arguments. Should the Court continue the sentencing by two weeks, it will enable
6 counsel to file the sentencing memorandum at least one week prior to sentencing. There is no need
7 to exclude time because the client already has pled guilty.
8

9 DATED: May 4, 2007

10 JOYCE LEAVITT /S/
Assistant Federal Public Defender

11 DATED: May 4, 2007

12 ALICIA FENRICK /S/
13 Assistant United States Attorney

14 SIGNATURE ATTESTATION

15 I hereby attest that I have on file all holograph signatures indicated by a "conformed" signature
16 ("S/") within this efiled document.

17 **ORDER**

18 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the sentencing date currently
19 scheduled for Tuesday, May 8, 2007, at 10:00 a.m. before Honorable Judge Sandra Brown
20 Armstrong, is hereby continued to Tuesday, May 22, 2007, at 10:00 a.m. for sentencing.

21 SO ORDERED.

22
23 DATED: 5/7/07

24 *Sandra B. Armstrong*
HONORABLE SAUNDRA BROWN ARMSTRONG
25 United States District Judge
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